UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

ONE WISCONSIN INSTITUTE, INC., *et al.*	
Plaintiffs,	Case No. 3:15-cv-324
v.	
MARK L. THOMSEN, *et al.*	
Defendants.	

MOTION TO ENFORCE THE INJUNCTION AND MAINTAIN THE STATUS QUO

Plaintiffs, by their undersigned counsel, respectfully move this Court for an order enforcing the Court's July 29, 2016 injunction (Dkt. 234) and October 13, 2016 Order on Motion for Relief (Dkt. 293) against the members and administrator of the Wisconsin Elections Commission, the secretary of the Wisconsin Department of Transportation, and the administrator of the DMV, by prohibiting Defendants from implementing Sections 1, 1κ, and 92 of SB 884 (2017) (collectively, "challenged provisions").[1] SB 884—including the challenged provisions—was passed by the Wisconsin State Legislature on December 5, 2018, as part of an extraordinary lame-duck session held just days after Wisconsin Republicans suffered multiple losses in statewide races for office as part of a partisan attempt to retain and regain power. The bill was signed into law by outgoing-Governor Walker on December 14, 2018, and the challenged provisions are in direct violation of this Court's aforementioned injunction and order.

---

[1] SB 884 was enacted as 2017 Wisconsin Act 369 on December 14, 2018, but is referred to as SB 884 herein.

Section 1K creates state-imposed time limits on in-person absentee voting ("early voting"), limiting early voting to fourteen days, which this Court found unconstitutional as well as a violation of the Voting Rights Act and enjoined on July 29, 2016. *One Wisconsin Inst., Inc. v. Thomsen*, 198 F. Supp. 3d 896, 931- 35, 956, 960-61 (W.D. Wis. 2016). Section 92 codifies into law the faulty ID petition process ("IDPP") that this Court found unconstitutional and in need of reform or replacement and, in direct violation of this Court's order, reduces the effective time-period for receipts valid for voting from 180 days to sixty days. Oct. 13, 2016 Opinion and Order, at 7-8 (Dkt. 293) (hereinafter, "October Order"). Section 1 preserves the requirement that university and college IDs must be unexpired, a requirement that this Court found unconstitutional and enjoined on July 29, 2016. *See One Wisconsin Inst., Inc.*, 198 F. Supp. 3d at 962. Accordingly, Plaintiffs seek an order from this Court enforcing its injunction by prohibiting Defendants from implementing Sections 1K and 92 of SB 884 and clarifying that its ruling on expiration dates also applies to Section 1 of SB 884.

This motion is based upon the accompanying memorandum of law, attorney declaration, and supporting exhibits, which address all necessary elements for the entry of the requested order. The next general election in Wisconsin is scheduled to take place on April 2, 2019. As such, Plaintiffs respectfully request that the Court consider this motion and any responses, replies, and argument before that date, and enforce its order so that municipalities that opt to provide early voting for a longer period than permitted by SB 884 are not prevented from doing so in contravention of this Court's injunction.

DATE: December 17, 2018

Respectfully submitted,

PERKINS COIE LLP

By   /s/ Bruce Spiva

Marc E. Elias
MElias@perkinscoie.com
Bruce V. Spiva*
BSpiva@perkinscoie.com
Elisabeth C. Frost
EFrost@perkinscoie.com
Aria C. Branch
ABranch@perkinscoie.com
Amanda R. Callais** (*application for admission forthcoming*)
ACallais@perkinscoie.com
700 Thirteenth Street, N.W., Suite 600
Washington, D.C. 20005-3960
Telephone: (202) 654-6200
Facsimile: (202) 654-6211

Charles G. Curtis, Jr.
CCurtis@perkinscoie.com
One East Main Street, Suite 201
Madison, WI 53703
Telephone: (608) 663-7460
Facsimile: (608) 663-7499

Bobbie J. Wilson
BWilson@perkinscoie.com
505 Howard Street, Suite 1000
San Francisco, CA 94105
Telephone: (415) 344-7000
Facsimile: (415) 344-7050

Attorneys for Plaintiffs

*Attorney of Record

3